

HOUSE No. 1401

By Mr. Kocot of Northampton, petition of Peter V. Kocot relative to the protection of Right Whales within the coastal waters of the Commonwealth. Environment, Natural Resources and Agriculture.

The Commonwealth of Massachusetts

In the Year Two Thousand and Five.

AN ACT PROTECTING RIGHT WHALES WITHIN THE COASTAL WATERS OF THE COMMONWEALTH.

Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:

1 SECTION 1. Chapter 29 of the General Laws is hereby
2 amended by inserting after section 2JJJ the following section:—
3 Section 2KKK. There shall be established and set up on the
4 books of the commonwealth a separate fund to be known as the
5 Right Whale Research and Protection Fund, the funds of which
6 shall be expended by the division of coastal zone management
7 within the executive office of environmental affairs for the pur-
8 pose of funding efforts to diminish fatalities of right whales in
9 Massachusetts coastal waters, including support of efforts by the
10 northeast implementation team. Said division shall establish a
11 grant program to expend said funds and shall give priority to com-
12 panies, public institutions of higher education and non-profit cor-
13 porations located within the Commonwealth, including, but not
14 limited to woods hole oceanographic institute, the center for
15 coastal studies, new england aquarium and other entities with
16 established records of right whale research. Said division shall
17 prioritize the expenditure of said funds on developing data related
18 to the interaction of northern right whales and vessels transitting
19 cape cod bay and the great south channel, improvements to the
20 mandatory ship reporting system, improvements to the remote
21 monitoring of right whales and the development of acoustical and
22 optical systems to diminish right whale fatalities
23 The Right Whale Research and Protection Fund shall receive
24 monies from: (1) gifts, grants, appropriations and donations from

25 public or private sources; (2) federal reimbursements and grants-
26 in-aid; (3) any interest earned from the fund; and (4) the proceeds
27 of special obligation bond sales by the commonwealth, denoted as
28 the Right Whale Research and Protection Loan Act of 2005. The
29 state treasurer shall receive, deposit and invest funds held in such
30 a manner as to ensure the highest interest rate available consistent
31 with the safety of the fund. The books and records of the fund
32 shall be subject to an annual audit by the state auditor. The divi-
33 sion of coastal zone management may expend such funds, in addi-
34 tion to appropriation, and no expenditure from the fund shall
35 cause it to be in deficiency at the close of a fiscal year. The
36 director of coastal zone management shall report annually to the
37 house and senate committees on ways and means and the joint
38 committee on natural resources and agriculture on income
39 received into the fund and the sources of that income, any expen-
40 ditures from the fund and their purposes and fund balances.

1 SECTION 2. To meet a portion of the expenditures necessary
2 in carrying out the provisions of section 2KKK of chapter 29 of
3 the General Laws, the state treasurer shall, upon request of the
4 governor, issue and sell bonds of the commonwealth in an amount
5 to be specified by the governor from time to time, but not
6 exceeding in the aggregate the sum of \$2,000,000 to be in addi-
7 tion to those bonds previously authorized and which authoriza-
8 tions remain uncommitted or unobligated on the effective date of
9 this act. All bonds issued by the commonwealth as aforesaid shall
10 be designated on their face, Commonwealth of Massachusetts and
11 the Executive Office of Environmental Affairs Right Whale
12 Research and Protection Loan Act of 2005, and shall be issued for
13 a maximum term of years, not exceeding 20 years, as the governor
14 may recommend to the general court pursuant to Section 3 of
15 Article LXII of the Amendments to the Constitution of the Com-
16 monwealth; provided, however, that all such bonds shall be
17 payable not later than June 30, 2025. All interest and payments on
18 account of principal of such obligations shall be payable from the
19 General Fund. Bonds and interest thereon issued under the
20 authority of this section shall be general obligations of the com-
21 monwealth.